

PLAN COMMISSION ORDER NUMBER _____

ORDER OF THE WESTFIELD-WASHINGTON PLAN COMMISSION DETERMINING THAT THE AMENDED DECLARATORY RESOLUTION OF THE GRAND JUNCTION ECONOMIC DEVELOPMENT AREA APPROVED AND ADOPTED BY THE WESTFIELD REDEVELOPMENT COMMISSION CONFORM TO THE COMPREHENSIVE PLAN AND APPROVING THAT AMENDED RESOLUTION

WHEREAS, on July 7, 2009, the Redevelopment Commission (the “Redevelopment Commission”) of the City of Westfield (the “City”) adopted Declaratory Resolution No. 2-2009 (the “Declaratory Resolution”) establishing the Grand Junction Economic Development Area (the “Area”) as an economic development area under Indiana Code 36-7-14 and Indiana Code 36-7-25 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”); and,

WHEREAS, the Declaratory Resolution approved and incorporated the Factual Report (the “Report”) supporting the Declaratory Resolution and the Economic Development Plan (the “Plan”) presented at the July 7, 2009 meeting of the Redevelopment Commission, which Plan contained specific recommendations for economic development of the Area, including road, infrastructure and drainage improvements to the Area and related improvements and equipment serving the Area as further described in the Plan (the “Project”); and,

WHEREAS, the Declaratory Resolution established an allocation area (the “Allocation Area”) within the Area in accordance with Indiana Code 36-7-14-39; and,

WHEREAS, on July 20, 2009, the Redevelopment Commission submitted the Declaratory Resolution, the Plan and supporting data to the Westfield-Washington Advisory Planning Commission (the “Plan Commission”) and the Plan Commission issued its written Order approving the Declaratory Resolution and the Plan as submitted; and,

WHEREAS, on August 10, 2009, the Common Council of the City (the “Common Council”) approved the Order of the Plan Commission and approved the creation of the Area and approved the actions of the Redevelopment Commission establishing the Area pursuant to Indiana Code 36-7-14-16(b) and Indiana Code 36-7-14-41(c); and,

WHEREAS, on August 12, 2009, after publishing notice of and conducting a public hearing in accordance with the Act, the Redevelopment Commission adopted Resolution 5-2009 confirming the Declaratory Resolution (the “Confirmatory Resolution”); and,

WHEREAS, on July 13, 2010, the Redevelopment Commission adopted Resolution No. 2-2010 thereby amending the Declaratory Resolution (the “Amendatory Resolution”) by 1.) deleting paragraph 10 of the Declaratory Resolution, and 2.) authorizing the Redevelopment Commission to capture, collect and retain all accumulated assessed value, including all excess assessed value, to be used by the Redevelopment Commission as necessary for purposes

including but not limited to providing adequate debt service coverage for bonds issued to finance infrastructure and for other projects in the Area (the “Amendment”); and,

WHEREAS, Section 16(a) of the Act provides that following adoption of a resolution by the Redevelopment Commission that amends a resolution or plan for an existing area, the Redevelopment Commission shall submit the resolution and supporting data to the Plan Commission, and the Plan Commission may determine whether the Amendatory Resolution and the Amendment conform to the plan of development for the unit and approve or disapprove the Amendatory Resolution and the Amendment; and

WHEREAS, the determination of the Plan Commission pursuant to Section 16(a) of the Act does not and shall not constitute a change in the current zoning or a variance thereof or the approval of any future use of the site of the Project and, any rezoning, variance or other use of the site of the Project is subject to all applicable laws and ordinances regarding zoning, variance and land use; and

WHEREAS, after being fully advised in the matter,

NOW, THEREFORE, BE IT ORDERED BY THE PLAN COMMISSION, AS FOLLOWS:

SECTION I. The Amendment to the Plan for the Area conforms to the Comprehensive Plan of development for the City.

SECTION II. The Plan, as amended, is in all respects approved, ratified and confirmed.

SECTION III. The Secretary of the Plan Commission is hereby directed to file a copy of the Amendatory Resolution and the Plan with the permanent minutes of this meeting.

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PASSED THIS 2nd DAY OF AUGUST, 2010, BY THE
WESTFIELD-WASHINGTON PLAN COMMISSION, HAMILTON COUNTY, INDIANA.

President, Plan Commission

ATTEST:

Secretary, Plan Commission

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